

Application Serial No. 10/776,838

Date September 10, 2006

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Reply to Office Action dated August 10, 2006

### REMARKS

This amendment is in response to the Office Action dated August 10, 2006, in which the Examiner imposed a Restriction Requirement between the following:

Group I: Claims 1-15, drawn to a blade break assembly classified in class 83, subclass 58;

Group II: Claims 16-25, drawn to a handle assembly extending from a frame intermediate first and second ends and opposite a throat, classified in class 83, subclass 651;

Group III: Claims 26-33, drawn to a battery, classified in class 30, subclass 380; and

Group IV: Claims 34-50, drawn to a method of cutting a workpiece having the step of depressing a trigger in the handle, classified in class 83, subclass 13.

Applicant, through his attorney, elects Group III, including claims 26-33, classified in class 30, subclass 380 with traverse. The definition of class 30, subclass 380 includes all claims drawn to a cutting implement to be supported or held against the force of gravity by the operator during a cutting operation, or being capable of movement in a random path instantaneously under the control of the operator during a cutting operation. Therefore, a hand-held power operated band saw manipulated by hand so as to be movable in relation to a work piece for performing a cutting operation on the work piece with a closed loop saw blade, where the saw blade is movable in a path defined by the closed loop during the cutting operation is placeable in class 30, subclass 380.. The restriction requirement is traversed on the basis that claims 1-25 have been amended to now read on the elected class 30, subclass 380 without prejudice to the later filing of one or more divisional patent applications to the original claims 1-25 and 34-50. New claims 51-55 have been added in this amendment and also read on the elected class 30, subclass 380. The Examiner's consideration of claims amended claims 1-33 and new claims 51-55 is requested.

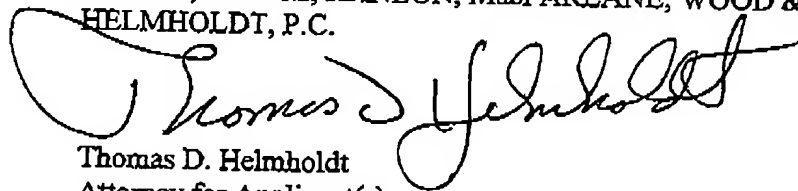
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If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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